

ACT No. XVIII OF 1879^[a].

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th October, 1879.)

An Act to consolidate and amend the law relating to Legal Practitioners.

[As modified up to the 1st May, 1896.]

WHEREAS it is expedient to consolidate and amend the law relating to Legal Practitioners in the Lower Provinces of Bengal, the North-Western Provinces, the Punjab, Oudh, the Central Provinces and Assam, and to empower each of the Local Governments of the rest of British India to extend to the territories administered by it such portions of this Act as such Government may think fit; It is hereby enacted as follows :—

Preamble.

CHAPTER I.

PRELIMINARY.

1. This Act may be called "The Legal Practitioners Act, 1879": and shall come into force on the first day of January, 1880.

Short title.

Commencement.

This section and section 2 extend to the whole of British India.

Local extent.

The rest of this Act extends, in the first instance, only to the territories respectively administered by the Lieutenant-Governors of the Lower Provinces of Bengal,

[^a] Act XVIII of 1879 has been declared in force in Angul and the Khondmals by Reg. I of 1894, s. 3, and by notification under the Scheduled Districts Act, 1874, in the Districts of Hazaribagh, Lohardugga and Manbhum and Parganas Dhalbhum and the Kolhan in the District of Singhbhum—see Gazette of India, 1881, Part I, p. 504.

Legal Practitioners. [ACT XVIII
(Chapter I.—Preliminary.—Sections 2-3.)

Bengal, the North-Western Provinces and the Punjab, and the Chief Commissioners of Oudh, the Central Provinces and Assam. But any other Local Government may from time to time, by notification in the official Gazette, extend [*] all or any of the provisions of the rest of this Act to the whole or any part of the territories under its administration.

Repeal of enactments.

2. On and from the first day of January, 1880, the enactments mentioned in the first schedule hereto annexed shall be repealed to the extent specified therein.

Saving of rules, etc.

All rules and appointments made, penalties prescribed, fees fixed, persons admitted, names enrolled, certificates issued, sanctions given and orders passed under any enactment hereby repealed shall be deemed to be respectively made, prescribed, fixed, admitted, enrolled, issued, given and passed under this Act.

References to repealed enactments.

All references made to any enactment hereby repealed, in any Act or Regulation passed, or notification published, shall be read as if made to the corresponding provisions of this Act.

Interpretation-clause.

3. In this Act, unless there be something repugnant in the subject or context,—

“Judge” means the presiding judicial officer in every Civil and Criminal Court, by whatever title he is designated :

“Subordinate Court” means all Courts subordinate to the High Court, including Courts of Small

Causes

[*] Under this power, the Act has been extended, subject to certain omissions, and so far only as it relates to Judicial Courts, Civil and Criminal, to the Madras Presidency, except the Scheduled Districts, from 1st April, 1882—see Fort St. George Gazette, 1881, Part I, pp. 491 and 707. Sections 3 and 4 of the Act have been extended to the Regulation Districts of the Bombay Presidency—see Bombay Government Gazette, 1885, Part I, p. 290.

Chapter I, section 40, Schedule II, and so much of Chapters III, V, VI and VII as relates to Pleadings, have been extended to Coorg—see Mysore Gazette, 1879, Part I, p. 355.

*(Chapter II.—Of Advocates, Vakils and Attorneys.
—Section 4.)*

Causes established under Act No. XV of 1882 [^a] or Act No. IX of 1887 [^b]:

“Revenue-office” includes all Courts (other than Civil Courts) trying suits under any Act for the time being in force relating to landholders and their tenants or agents:

“legal practitioner” means an Advocate, Vakíl or Attorney of any High Court, a Pleader, Mukhtár or Revenue-agent:

[^c] “tout” means a person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to a legal practitioner to procure his employment in any legal business in consideration of such remuneration.

CHAPTER II.

OF ADVOCATES, VAKÍLS AND ATTORNEYS.

4. Every person now or hereafter entered as an Advocate or Vakíl on the roll of any High Court under the Letters Patent constituting such Court, or [^d] under section 41 of this Act [^d], shall be entitled to practise in all the Courts subordinate to the Court on the roll of which he is entered, and in all Revenue-offices situate within the local limits of the appellate jurisdiction of such Court, subject, nevertheless, to the rules in force relating to the language in which the Court or office is

[^a] The reference to Act IX of 1850 is altered in accordance with Act XV of 1882, s. 2. (For Act XV of 1882 see the revised edition, as modified up to 1st February, 1895, published by the Legislative Department.)

[^b] The reference to Act XI of 1865 is altered in accordance with Act IX of 1887, s. 2 (2), (3). (For Act IX of 1887 see the revised edition, as modified up to 1st December, 1894, published by the Legislative Department.)

[^c] This definition was added by Act XI of 1893, s. 1.

[^d] These words and figures were substituted for the original words by Act IX of 1884, s. 2.

(Chapter II.—Of Advocates, Vakils and Attorneys.—
Section 5. Chapter III.—Of Pleaders and
Mukhtárs.—Section 6.)

is to be addressed by Pleaders or Revenue-agents; and any person so entered who ordinarily practises in the Court on the roll of which he is entered or some Court subordinate thereto shall, notwithstanding anything herein contained, be entitled, as such, to practise in any Court in British India other than a High Court on whose roll he is not entered, or, with the permission of the Court, in any High Court on whose roll he is not entered, and in any Revenue-office:

Provided that no such Vakíl shall be entitled to practise under this section before a Judge of the High Court, Division Court or High Court exercising original jurisdiction in a Presidency-town.

Attorneys of
High Court.

5. Every person now or hereafter entered as an Attorney on the roll of any High Court shall be entitled to practise in all the Courts subordinate to such High Court and in all Revenue-offices situate within the local limits of the appellate jurisdiction of such High Court, and every person so entered who ordinarily practises in the Court on the roll of which he is so entered or some Court subordinate thereto shall, notwithstanding anything herein contained, be entitled, as such, to practise in any Court in British India other than a High Court established by Royal Charter on the roll of which he is not entered and in any Revenue-office.

The High Court of the Province in which an Attorney practises under this section may, from time to time, make rules declaring what shall be deemed to be the functions, powers and duties of an Attorney so practising.

CHAPTER III.

OF PLEADERS AND MUKHTÁRS.

Power to
make rules

6. The High Court may, from time to time, make
rules

(Chapter III.—Of Pleaders and Mukhtárs.—Section 7.)

rules consistent with this Act as to the following matters (namely) :—

- (a) the qualifications, admission and certificates of proper persons to be Pleaders of the subordinate Courts, and of the Revenue-offices situate within the local limits of its appellate jurisdiction, and, in the case of a High Court not established by Royal Charter, of such Court ;
- (b) the qualifications, admission and certificates of proper persons to be Mukhtárs of the subordinate Courts, and, in the case of a High Court not established by Royal Charter, of such Court ;
- (c) the fees to be paid for the examination and admission of such persons ; and
- (d) the suspension and dismissal of such Pleaders and Mukhtárs.

as to qualifications, etc., of Pleaders and Mukhtárs.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law: Provided that, in the case of rules made by a High Court not established by Royal Charter, such rules have been previously approved by the Local Government.

Publication of rules.

7. On the admission, under section 6, of any person as a Pleader or Mukhtár, the High Court shall cause a certificate, signed by such officer as the Court, from time to time, appoints in this behalf, to be issued to such person, authorising him to practise up to the end of the current year in the Courts, and, in the case of a Pleader, also the Revenue-offices, specified therein.

Certificates to Pleaders and Mukhtárs.

At the expiration of such period, the holder of the certificate, if he desires to continue to practise, shall, subject to any rules consistent with this Act which may, from time to time, be made by the High Court in this behalf, be entitled to have his certificate

renewed

(Chapter III.—Of Pleaders and Mukhtárs.—Sections 8-9.)

renewed by the Judge of the District Court within the local limits of whose jurisdiction he then ordinarily practises, or by such officer as the High Court, from time to time, appoints in this behalf.

On every such renewal, the certificate then in possession of such Pleader or Mukhtár shall be cancelled and retained by such Judge or officer.

Every certificate so renewed shall be signed by such Judge or officer, and shall continue in force up to the end of the current year.

Every Judge or officer so renewing a certificate shall notify such renewal to the High Court.

Pleaders on enrolment may practise in Courts and Revenue-offices.

8. Every Pleader holding a certificate issued under section 7 may apply to be enrolled in any Court or Revenue-office mentioned therein and situate within the local limits of the appellate jurisdiction of the High Court by which he has been admitted; and, subject to such rules consistent with this Act as the High Court or the Chief Controlling Revenue-Authority may, from time to time, make in this behalf, the presiding Judge or officer shall enrol him accordingly; and thereupon he may appear, plead and act in such Court or office and in any Court or Revenue-office subordinate thereto.

Mukhtárs on enrolment may practise in Courts.

9. Every Mukhtár holding a certificate issued under section 7 may apply to be enrolled in any Civil or Criminal Court mentioned therein and situate within the same limits; and, subject to such rules as the High Court may from time to time make in this behalf, the presiding Judge shall enrol him accordingly; and thereupon he may practise as a Mukhtár in any such Civil Court and any Court subordinate thereto, and may (subject to the provisions of the Code of Criminal Procedure, 1882^[a]), appear, plead and

X of 1882.
and

[^a] The reference to Act X of 1872 is altered in accordance with Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

(Chapter III.—Of Pleaders and Mukhtárs.—Sections 10-12.)

and act in any such Criminal Court and any Court subordinate thereto.

10. Except as provided by this Act or any other enactment for the time being in force, no person shall practise as a Pleader or Mukhtár in any Court not established by Royal Charter unless he holds a certificate issued under section 7 and has been enrolled in such Court or in some Court to which it is subordinate :

No person to practise as Pleader or Mukhtár unless qualified.

Provided that persons who have been admitted as Revenue-agents before the first day of January, 1880, and hold certificates, as such, under this Act in the territories administered by the Lieutenant-Governor of Bengal, may be enrolled in manner provided by section 9 in any Munsif's Court in the said territories, and on being so enrolled may appear, plead and act in such Court in suits under the Bengal Tenancy Act, 1885[*], or under any other Act for the time being in force regulating the procedure in suits between landholders and their tenants and agents.

Revenue-agents may appear, plead and act in Munsifs' Courts in suits under the Bengal Tenancy Act, 1885.

VIII of 1885.

XIV of 1882.

11. Notwithstanding anything contained in the Code of Civil Procedure[b], the High Court may, from time to time, make rules declaring what shall be deemed to be the functions, powers and duties of Mukhtárs practising in the subordinate Courts, and, in the case of a High Court not established by Royal Charter, in such Court.

Power to declare functions of Mukhtárs.

12. The High Court may suspend or dismiss any Pleader or Mukhtár holding a certificate issued under section 7 who is convicted of any criminal offence

Suspension and dismissal of Pleaders and Mukhtárs

[*] Ben. Act VIII of 1869 was repealed in Bengal by Act VIII of 1885, and the reference here has been altered in accordance with s. 2 (3) of the latter. See Bengal Code, Ed. 1889, Vol. I, p. 512.

[b] This reference to Act X of 1877 should now be read as applying to Act XIV of 1882—see s. 3 of the latter Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

(Chapter III.—Of Pleaders and Mukhtárs.—Section 13.)

convicted of
criminal
offence.

Suspension
and dismissal
of Pleaders
and
Mukhtárs
guilty of un-
professional
conduct.

offence implying a defect of character which unfits him to be a Pleader or Mukhtár, as the case may be.

[*] 13. The High Court may also, after such inquiry as it thinks fit, suspend or dismiss any Pleader or Mukhtár holding a certificate as aforesaid—

- (a) who takes instructions in any case except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure^[b], or some servant, relative or friend authorised by the party to give such instructions, or
- (b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or
- (c) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Pleader or Mukhtár, or
- (d) who, directly or indirectly, procures or attempts to procure the employment of himself as such Pleader or Mukhtár through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given, or
- (e) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 36, or
- (f) for any other reasonable cause.

XIV of 1882.

14. If

[*] This section was substituted for the original section by Act XI of 1896, s. 2.

[^b] For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.

(Chapter III.—Of Pleaders and Mukhtárs.—Section 14.)

14. If any such Pleader or Mukhtár practising in any subordinate Court or in any Revenue-office is charged in such Court or office with taking instructions except as aforesaid, or with any such misconduct as aforesaid, the presiding officer shall send him a copy of the charge and also a notice that, on a day to be therein appointed, such charge will be taken into consideration.

Procedure when charge of unprofessional conduct is brought in subordinate Court or Revenue-office.

Such copy and notice shall be served upon the Pleader or Mukhtár at least fifteen days before the day so appointed.

On such day, or on any subsequent day to which the enquiry may be adjourned, the presiding officer shall receive and record all evidence properly produced in support of the charge, or by the Pleader or Mukhtár, and shall proceed to adjudicate on the charge.

If such officer finds the charge established and considers that the Pleader or Mukhtár should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and shall report the same to the High Court; and the High Court may acquit, suspend or dismiss the Pleader or Mukhtár.

Any District Judge, or with his sanction any Judge subordinate to him, [*] any Judge of a Court of Small Causes of a Presidency-town [*], any District Magistrate, or with his sanction any Magistrate subordinate to him, and any Revenue-authority not inferior to a Collector, or with the Collector's sanction any Revenue-officer subordinate to him, may, pending the investigation and the orders of the High Court, suspend from practice any Pleader or Mukhtár charged before him or it under this section.

Suspension pending investigation.

Every report made to the High Court under this section shall—

(a) when made by any Civil Judge subordinate to the

[*] These words were inserted by Act IX of 1884, s. 4.

the District Judge, be made through such Judge ;

- (b) when made by a Magistrate subordinate to the Magistrate of the District [°], be made through the Magistrate of the District [°] and the Sessions Judge ;
- (c) when made by the Magistrate of the District [°], be made through the Sessions Judge ;
- (d) when made by any Revenue-officer subordinate to the Chief Controlling Revenue-Authority, be made through such Revenue-authorities as the Chief Controlling Revenue-Authority may, from time to time, direct.

Every such report shall be accompanied by the opinion of each Judge, Magistrate or Revenue-authority through whom or which it is made.

Power to call for record in case of acquittal under section 14.

15. The High Court, in any case in which a Pleader or Mukhtár has been acquitted under section 14 otherwise than by an order of the High Court, may call for the record and pass such order thereon as it thinks fit.

Power to make rules for Mukhtárs on appellate side of High Court.

16. Notwithstanding anything contained in any Letters Patent or in the Code of Civil Procedure, section 37, clause (a) [°], any High Court established by Royal Charter may, from time to time, make rules consistent with this Act as to the following matters (namely) :—

XIV of 1882.

- (a) the qualifications and admission of proper persons to be Mukhtárs practising on the appellate side of such Court ;
- (b) the fees to be paid for the examination and admission of such persons ;

(c) the

[°]. To be read as " District Magistrate "—see Act X of 1882, s. 3. (For Act X of 1882 see the revised edition, as modified up to 15th December, 1888, published by the Legislative Department.)

[°] This reference should now be read as applying to Act XIV of 1882—see s. 3 of that Act. (For Act XIV of 1882 see the revised edition, as modified up to 1st July, 1888, published by the Legislative Department.)

(Chapter IV.—Of Revenue-agents.—Sections 17-18.)

- (c) the security which they may be required to give for their honesty and good conduct;
- (d) the suspension and dismissal of such Mukhtárs; and
- (e) declaring what shall be deemed to be their functions, powers and duties;

and may prescribe and impose fines for the infringement of such rules, not exceeding in any case five hundred rupees; and such fines, when imposed, may be recovered as if they had been imposed in the exercise of the High Court's ordinary original criminal jurisdiction.

CHAPTER IV.

OF REVENUE-AGENTS.

17. The Chief Controlling Revenue-Authority may, from time to time, make rules consistent with this Act as to the following matters (namely):—

Power to make rules as to qualifications, etc., of Revenue-agents.

- (a) the qualifications, admission and certificates of proper persons to be Revenue-agents;
- (b) the fees to be paid for the examination and admission of such persons;
- (c) the suspension and dismissal of such Revenue-agents; and
- (d) declaring what shall be deemed to be their functions, powers and duties.

All such rules shall be published in the local official Gazette, and shall thereupon have the force of law.

Publication of rules.

18. On the admission of any person as a Revenue-agent under section 17, the Chief Controlling Revenue-Authority shall cause a certificate, signed by such officer as such Authority from time to time appoints in this behalf, to be issued to such person, authorizing him to practise up to the end of the cur-

Certificates to Revenue-agents.

Legal Practitioners. [ACT XVIII
(Chapter IV.—Of *Revenue-agents*.—Sections
19-20.)

rent year in such Revenue-offices as may be specified therein.

At the expiration of such period, the holder of the certificate, if he desires to continue to practise, shall be entitled to have his certificate renewed by the Secretary of the Chief Controlling Revenue-Authority, or by any other officer authorised by such Authority in that behalf.

On every such renewal, the certificate then in the possession of such Revenue-agent shall be cancelled and retained by such Secretary or other officer.

Every certificate so renewed shall be signed by such Secretary or other officer and shall continue in force to the end of the current year.

Every officer so renewing a certificate shall notify the renewal to the Chief Controlling Revenue-Authority.

Enrolment
of Revenue-
agent.

19. Every Revenue-agent holding a certificate issued under section 18 may apply to be enrolled in any Revenue-office mentioned therein and situate within the limits of the territory under the Chief Controlling Revenue-Authority; and, subject to such rules as the Chief Controlling Revenue-Authority may, from time to time, make in this behalf, the officer presiding in such office shall enrol him accordingly, and thereupon he may practise as a Revenue-agent in such office and in any Revenue-office subordinate thereto.

No person to
act as agent
in Revenue-
offices unless
qualified.

20. Except as provided by this Act or any other enactment for the time being in force, no person, other than a Pleader duly qualified under the provisions hereinbefore contained, shall practise as a Revenue-agent in any Revenue-office; unless he holds a certificate issued under section 18 and has been enrolled in such office or some other office to which it is subordinate:

Provided that any person duly authorised in this behalf may, with the sanction of the Chief Controlling

(Chapter IV.—Of Revenue-agents.—Sections 21-22.)

ling Revenue-Authority, or of an officer empowered by the Local Government in this behalf, transact all or any business in which his principal may be concerned in any Revenue-office.

The sanction mentioned in this section may be general or special, and may at any time be revoked or suspended by the Authority or officer granting the same.

21. The Chief Controlling Revenue-Authority may suspend or dismiss any Revenue-agent holding a certificate issued under this Act who is convicted of any criminal offence implying a defect of character which unfits him to be a Revenue-agent.

Dismissal
of Revenue-
agent con-
victed of
criminal of-
fence.

[*] 22. The Chief Controlling Revenue-Authority may also, after such inquiry as it thinks fit, suspend or dismiss any Revenue-agent holding a certificate as aforesaid—

Suspension
and dis-
missal
of Revenue-
agents
guilty of
unprofession-
al conduct.

(a) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty, or

(b) who tenders, gives or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other Revenue-agent, or

(c) who, directly or indirectly, procures or attempts to procure the employment of himself as such Revenue-agent through, or by the intervention of, any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given, or

(d) who

[*] This section was substituted for the original section by Act XI of 1896, s. 3.

(d) who accepts any employment in any legal business through a person who has been proclaimed as a tout under section 36, or

(e) for any other reasonable cause.

Procedure
when Revenue-agent
is so charged
in subordinate
office.

23. If any Revenue-agent holding a certificate issued under this Act is charged with any such conduct in any office subordinate to the Chief Controlling Revenue-Authority, or in the Court of any Munsif, the officer at the head of such office, or such Munsif, as the case may be, shall send him a copy of the charge, and also a notice that, on a day to be therein appointed, such charge will be taken into consideration.

Such copy and notice shall be served upon the person charged at least fifteen days before the day so appointed. On such day or on any other day to which the enquiry may be adjourned, the officer or Munsif shall receive all evidence properly produced in support of the charge, or by the person charged, and shall proceed to adjudicate on the charge.

If the officer or Munsif finds the charge established, and considers that the person charged should be suspended or dismissed in consequence, he shall record his finding and the grounds thereof, and report the same to the Chief Controlling Revenue-Authority; and such Authority shall proceed to acquit, suspend or dismiss him.

Any Revenue-officer not inferior to a Collector, and, with the Collector's sanction, any Revenue-officer subordinate to him, or any Munsif in his district, may, pending the investigation and the orders of the Chief Controlling Revenue-Authority, suspend from practice any Revenue-Agent charged before him under this section.

Where any officer acting under this section is subordinate to the Commissioner of a Division, he shall transmit the report through such Commissioner,
who

(Chapter IV.—Of Revenue-agents.—Section 24.
 Chapter V.—Of Certificates.—Sections 25-26.
 Chapter VI.—Of the Remuneration of Pleaders,
 Mukhtárs and Revenue-agents.—Section 27.)

who shall forward with the same an expression of his own opinion on the case.

24. The Chief Controlling Revenue-authority, in any case in which a Revenue-agent has been acquitted under section 23 otherwise than by an order of the Chief Controlling Revenue-authority, may call for the record and pass such order thereon as seems fit.

Power to Chief Controlling Revenue-authority to call for record.

CHAPTER V.

OF CERTIFICATES.

25. Every certificate, whether original or renewed, issued under this Act shall be written upon stamped paper of the value prescribed therefor in the second schedule hereto annexed [*] and of such description as the Local Government may, from time to time, prescribe [*]:

Fee for certificates.

Provided that a certificate issued on or after the first day of July in any year may be written on stamped paper of half the value so prescribed.

26. When any Pleader, Mukhtár or Revenue-agent is suspended or dismissed under this Act, he shall forthwith deliver up his certificate to the Court or officer at the head of the office before or in which he was practising at the time he was so suspended or dismissed, or to any Court or officer to which the High Court or Chief Controlling Revenue-authority (as the case may be) orders him to deliver the same.

Dismissed practitioners to surrender certificates.

CHAPTER VI.

OF THE REMUNERATION OF PLEADERS, MUKHTÁRS AND REVENUE-AGENTS.

27. The High Court shall, from time to time, fix and

High Court and Chief

[*] These words were inserted by Act IX of 1884, s. 5.

(Chapter VI.—Of the Remuneration of Pleaders, Mukhtárs and Revenue-agents.—Sections 28-29.)

Controlling Revenue-authority to fix fees on civil and revenue-proceedings.

and regulate the fees payable by any party in respect of the fees of his adversary's Advocate, Pleader, Vakíl, Mukhtár or Attorney upon all proceedings (a) on the appellate side of such Court, (b) in the case of a High Court not established by Royal Charter, on its original side, and (c) in subordinate Courts, [*] and in respect of the fees of his adversary's Revenue-agent appearing, pleading or acting under section 10[*].

The Chief Controlling Revenue-authority shall, from time to time, fix and regulate the fees payable upon all proceedings in the Revenue-offices by any party in respect of the fees of his adversary's Advocate, Pleader, Vakíl, Attorney, Mukhtár or Revenue-agent.

Tables of the fees so fixed shall be published in the local official Gazette.

Exception as to agents mentioned in section 20.

Nothing in this section applies to the agents mentioned in the proviso to section 20.

Agreements with clients.

28. No agreement entered into by any Pleader, Mukhtár or Revenue-agent with any person retaining or employing him, respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges or disbursements in respect of business done or to be done by such Pleader, Mukhtár or Revenue-agent shall be valid unless it is made in writing signed by such person, and is, within fifteen days from the day on which it is executed, filed in the District Court or in some Court in which some portion of the business in respect of which it has been executed has been or is to be done.

Power to modify or cancel agreements.

29. Where a suit is brought to enforce any such agreement, if the agreement is not proved to be fair and reasonable, the Court may reduce the amount payable thereunder or order it to be cancelled, and the costs, fees, charges and disbursements in respect of
the

[*] These words were added by Act IX of 1884, s. 6.

(Chapter VI.—Of the Remuneration of Pleaders, Mukhtárs and Revenue-agents.—Sections 30-31. Chapter VII.—Penalties.—Sections 32-33.)

the business done to be ascertained in the same manner as if no such agreement had been made.

30. Such an agreement shall exclude any further claim of the Pleader, Mukhtár or Revenue-agent beyond the terms of the agreement with respect to any services, fees, charges or disbursements in relation to the conduct and completion of the business in respect of which the agreement is made, except such services, fees, charges or disbursements, if any, as are expressly excepted by the agreement.

Agreements to exclude further claims.

31. A provision in any such agreement that the Pleader, Mukhtár or Revenue-agent shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such Pleader, Mukhtár or Revenue-agent, shall be wholly void.

Reservation of responsibility for negligence.

CHAPTER VII.

PENALTIES.

32. Any person who practises in any Court or Revenue-office in contravention of the provisions of section 10 or section 20 shall be liable, by order of such Court or the officer at the head of such office, to a fine not exceeding ten times the amount of the stamp required by this Act for a certificate authorising him so to practise in such Court or office, and, in default of payment, to imprisonment in the civil jail for a term which may extend to six months.

On persons illegally practising as Pleaders, Mukhtárs or Revenue-agents.

He shall also be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee or reward for, or with respect to, anything done or any disbursement made by him as Pleader, Mukhtár or Revenue-agent whilst he has been contravening the provisions of either of such sections.

33. Any Pleader, Mukhtár or Revenue-agent failing to deliver up his certificate as required by

On suspended or dismissed Pleader, etc.,

section

Legal Practitioners. [ACT XVIII
(Chapter VII.—Penalties.—Sections 34-36.)

failing to
deliver cer-
tificate.

section 26 shall be liable, by order of the Court, Authority or officer to which or to whom, or according to whose orders, the delivery should be made, to a fine not exceeding two hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term which may extend to three months.

On suspended
or dismissed
practitioner
practising
during
suspension
or after
dismissal.

34. Any Pleader, Mukhtár or Revenue-agent who, under the provisions of this Act, has been suspended or dismissed, and who, during such suspension or after such dismissal, practises as a Pleader, Mukhtár or Revenue-agent in any Court or Revenue-office, shall be liable, by order of such Court or the officer at the head of such office, to a fine not exceeding five hundred rupees, and, in default of payment, to imprisonment in the civil jail for a term which may extend to six months.

Revision of
fines.

35. Every order under section 32, 33 or 34 shall be subject to revision by the High Court where the order has been passed by a subordinate Court, and by the Chief Controlling Revenue-authority where the order has been passed by an officer subordinate to such Authority.

Power to
frame and
publish lists
of touts.

[*] 36. (1) Every High Court, District Judge, Sessions Judge, District Magistrate and Presidency Magistrate, every Revenue-officer, not being below the rank of a Collector of a District, and the Chief Judge of every Presidency Small Cause Court (each as regards their or his own Court and the Courts, if any, subordinate thereto) may frame and publish lists of persons proved to their or his satisfaction, by evidence of general répute or otherwise, habitually to act as touts, and may, from time to time, alter and amend such lists.

(2) No person's name shall be included in any such list until he shall have had an opportunity of showing cause against such inclusion.

(3) A copy

[*] This section was substituted for the original section by Act XI of 1896, s. 4.

(Chapter VIII.—Miscellaneous.—Sections 37-40.)

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of section 13, clause (e), and section 22, clause (d).

CHAPTER VIII.

MISCELLANEOUS.

37. To facilitate the ascertainment of the qualifications mentioned in sections 6 and 17 respectively, the Local Government shall, from time to time, appoint persons to be examiners for the purposes aforesaid, and may, from time to time, make regulations for conducting such examinations.

Local Government to appoint examiners.

38. Except as provided by sections 4, 5, 16, 27, 32 and 36, nothing in this Act applies to Advocates, Vakíls and Attorneys admitted and enrolled by any High Court under the Letters Patent by which such Court is constituted, or to Mukhtárs practising in such Court or to Advocates enrolled [“]under section 41 of this Act[“].

Exemption of High Court practitioners from certain parts of Act.

39. When any person who holds a certificate as a Mukhtár under section 7 and a certificate as a Revenue-agent under section 18 is suspended or dismissed in one of such capacities, he shall be deemed to be suspended or dismissed, as the case may be, also in the other.

Suspension or dismissal of person holding Mukhtár and Revenue-agent's certificates.

40. Notwithstanding anything hereinbefore contained, no Pleader, Mukhtár or Revenue-agent shall be suspended or dismissed under this Act unless he has

Pleaders, etc., not to be suspended or dismissed

[“”] These words were substituted for the original words by Act IX of 1884, s. 7.

without
being heard.

has been allowed an opportunity of defending himself before the Authority suspending or dismissing him.

Power for
certain High
Courts to
enrol advocates.

[^a] 41. (1) A High Court not established by Royal Charter may, from time to time, with the previous sanction of the Local Government, make rules as to the qualifications and admission of proper persons to be advocates of the Court, and, subject to such rules, may enrol such and so many advocates as it thinks fit.

(2) Every advocate so enrolled shall be entitled to appear for the suitors of the Court, and to plead or to act, or to plead and act, for those suitors, according as the Court may by its rules determine, and subject to those rules.

(3) The High Court may dismiss any advocate so enrolled or suspend him from practice :

(4) Provided that an advocate shall not be dismissed or suspended under this section unless he has been allowed an opportunity of defending himself before the High Court which enrolled him, and, except in the case of the Chief Court of the Punjab, unless the order of the High Court dismissing or suspending him has been confirmed by the Local Government.

Repeal of
Acts I of
1846 and
XX of 1853.

[^b] 42. Act I of 1846 (*for amending the law regarding the appointment and remuneration of pleaders in the Courts of the East India Company*) and Act XX of 1853 (*to amend the law relating to pleaders in the Courts of the East India Company*) are repealed.

FIRST

[^a] This section was substituted for the original section by Act IX of 1884, s. 8.

[^b] S. 42 was added by Act IX of 1884, s. 9.

1879.]

Legal Practitioners.

(First Schedule.—Enactments repealed. Second Schedule.—Value of Stamps for Certificates.)

FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Number and date of enactments.	Title.	Extent of repeal.
Act XX of 1865 .	To amend the law relating to Pleaders and Mukhtárs.	The whole.
Act XXIX of 1865 .	To amend the Pleaders, Mukhtárs and Revenue-Agents Act, 1865.	So much as has not been repealed.
Act IX of 1866 .	To extend to the Sadr Court of the North-Western Provinces certain provisions of "The Pleaders, Mukhtárs and Revenue-Agents Act, 1865," and of Act No. XXIX of 1865.	The whole.
Act IV of 1876 .	To authorise Revenue-Agents to practise in certain suits in the Munsifs' Courts of the Lower Provinces of Bengal.	The whole.
Act XVII of 1877 .	The Punjab Courts Act, 1877	Sections 42, 43, 44 and 45.

SECOND SCHEDULE.

VALUE OF STAMPS FOR CERTIFICATES.

(See section 25.)

I.

For a certificate authorising the holder to practise as a Pleader—

- (a) In the High Court and any subordinate Court—rupees fifty :
- (b) In any Court of Small Causes in a Presidency-town—rupees twenty-five :
- (c) In all other subordinate Courts—rupees twenty-five :
- (d) In the Courts of Subordinate Judges, Munsifs, Assistant Commissioners, Extra Assistant Commissioners and Tahsildárs, in Courts of Small Causes outside the Presidency-towns

Legal Practitioners. [ACT XVIII, 1879.]
(*Second Schedule.—Value of Stamps for Certificates.*)

Presidency-towns and in all Criminal Courts subordinate to the High Court—rupees fifteen :

- (e) In the Courts of Munsifs and any Civil or Criminal Court of first instance not hereinbefore specifically mentioned—rupees five.

II.

For a certificate authorising the holder to practise as a Mukhtár—

- (f) In the High Court and any subordinate Court—rupees twenty-five :
- (g) In any Court of Small Causes in a Presidency-town—rupees fifteen :
- (h) In all other subordinate Courts—rupees fifteen :
- (i) In the Courts of Subordinate Judges, Munsifs, Assistant Commissioners, Extra Assistant Commissioners and Tahsildárs, in Courts of Small Causes outside the Presidency-towns and in all Criminal Courts subordinate to the High Court—rupees ten :
- (j) In the Courts of Munsifs and any Civil or Criminal Court of first instance not hereinbefore specifically mentioned—rupees five.

III.

For a certificate authorising the holder to practise as a Revenue-agent—

- (k) In the office of the Chief Controlling Revenue-authority and in any Revenue-office subordinate to such Authority—rupees fifteen :
- (l) In the office of a Commissioner and in any Revenue-office subordinate to a Commissioner—rupees ten :
- (m) In the office of a Collector and in any Revenue-office subordinate to a Collector—rupees five.